

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EUGENE MCGEE,

Defendant.

No. CR 21-0058-RSM

ORDER CONTINUING TRIAL DATE

This matter comes before the Court on the joint motion of the defendant, Eugene McGee, and the United States of America to continue the trial in this matter. Having considered the motion and all the files and records herein, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Joint Motion to Continue, incorporated by this reference, and include the following: (a) counsel for the defendant has been unavailable for a period of months while on maternity leave; (b) the parties believe that they are close to resolving this case and thus have focused their energies on that resolution instead of preparing for trial, including addressing pretrial motions; (c) counsel for the defendant is unavailable for trial on March 20, 2023, the currently set trial date, due to another matter being set in King County Superior Court on that date; and (d) counsel for the defendant has not filed pretrial motions in expectation that the parties would be able to resolve the case, and will need to do so and complete

1 trial preparation if resolution does not occur. The Court also observes that this is a  
2 particularly complicated case, given the length of the investigation, the quantity of  
3 discovery which this Court has addressed in previous orders, the nature of the  
4 prosecution, which includes wiretaps over multiple phone lines, and the number of  
5 related cases. And, the Court observes that McGee is the only remaining co-  
6 defendant in this case, so the continuance does not affect any co-defendants.

7 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
8 3161(h)(7)(B)(ii) that this case is sufficiently unusual and complex, due the nature  
9 of the prosecution and other facts detailed above, that it is unreasonable to expect  
10 adequate preparation by the parties for pretrial proceedings or for the trial itself by  
11 the current trial date, or for the immediate future;

12 THE COURT FURTHER FINDS, pursuant to Title 18, United States Code,  
13 Section 3161(h)(7)(B)(iv), that even if Section 3161(h)(7)(B)(ii) did not apply, the  
14 failure to grant a continuance in this case would deny counsel for the defendant  
15 and the attorney for the government the reasonable time necessary for effective  
16 preparation—due to the defendant’s need for more time to review the considerable  
17 volume of discovery and evidence produced, and to consider possible defenses and  
18 motions—taking into account the exercise of due diligence, which was reasonable  
19 under the circumstances because both parties were and still are working to reach a  
20 resolution, defense counsel was unavailable due to maternity leave, and defense  
21 counsel’s other set trial.

22 THE COURT FURTHER FINDS, pursuant to Title 18, United States Code,  
23 Section 3161(h)(7)(B)(i), that the failure to grant a continuance would be likely to  
24 make a continuation of the proceeding impossible or result in a miscarriage of  
justice.

THE COURT THEREFORE FINDS, pursuant to Title 18, United States  
Code, Section 3161(h)(7)(A), that the ends of justice served by a continuance into  
the spring of 2022 outweigh the best interest of the public and the several  
defendants in a speedy trial.

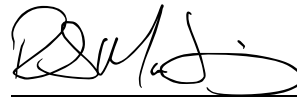
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2 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
3 3161(h)(6) and (7), that this is a reasonable period of delay, based on the parties'  
4 representations as to their schedule and expected work to be done.

5 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is  
6 continued until October 10, 2023 at 9:00 a.m. Pretrial motions must be filed by  
7 August 31, 2023.

8 IT IS FURTHER ORDERED that the time between this date and the new  
9 trial date is excluded in computing the time within which a trial must be held  
10 pursuant to Title 18, United States Code, Section 3161, *et seq.*

11 IT IS SO ORDERED.

12 DATED this 8<sup>th</sup> day of March, 2023.

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15 RICARDO S. MARTINEZ  
16 UNITED STATES DISTRICT JUDGE  
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